

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

MICHAEL PICKENS
ADC #91738

PLAINTIFF

V.

2:08CV00080 JMM/JTR

T. CODY, Correctional Officer II,
East Arkansas Regional Unit, et al.

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections.¹ After carefully considering these documents and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.

IT IS THEREFORE ORDERED THAT:


1. Pursuant to the screening function mandated by 28 U.S.C. § 1915A, this § 1983 action is DISMISSED, WITH PREJUDICE, for failing to state a claim upon which relief may be granted.
2. Dismissal of this action CONSTITUTES a “strike,” as defined by 28 U.S.C. § 1915(g).

¹Plaintiff complains that he was late in filing his objections because prison officials failed to timely deliver the Magistrate Judge’s Proposed Findings and Recommended Disposition. The record reflects that the objections were timely filed.

3. The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this Order and the accompanying Judgment would not be taken in good faith.

4. Plaintiff's Motion for Preliminary Injunctive Relief and/or Restraining Order (docket entry #5) and Plaintiff's Motion to Compel Discovery (docket entry #7) are DENIED, AS MOOT.

Dated this 16 day of June, 2008.


UNITED STATES DISTRICT JUDGE